

IC 13-20-17.5

Chapter 17.5. Mercury and Mercury Products

IC 13-20-17.5-1

Applicability of chapter

Sec. 1. This chapter does not apply to antiques.

As added by P.L.225-2001, SEC.15.

IC 13-20-17.5-2

Prohibition of sale or distribution of mercury-added novelty

Sec. 2. (a) This section does not apply to a mercury-added novelty if:

- (1) the novelty uses a mercury-added button cell battery to function; and
- (2) the only mercury contained in the novelty is found in the mercury-added button cell battery.

(b) After July 1, 2003, a mercury-added novelty may not be:

- (1) offered for final sale; or
- (2) distributed for promotional purposes;

in Indiana if the offerer or distributor knows or has reason to know that the novelty contains mercury.

As added by P.L.225-2001, SEC.15.

IC 13-20-17.5-3

Mercury thermometers

Sec. 3. (a) This section does not apply to a mercury thermometer or to a thermometer if:

- (1) the thermometer uses a mercury-added button cell battery; and
- (2) the only mercury contained in the thermometer is found in the mercury-added button cell battery.

(b) Except as provided in subsection (c), after July 1, 2003, a person may sell or supply a mercury fever thermometer to an individual only if:

- (1) the person is a pharmacist or a pharmacist's assistant working at a pharmacy; and
- (2) the thermometers are stored in such a manner that the pharmacist or the pharmacist's assistant must obtain the thermometer for the individual.

(c) A licensed practitioner of medicine may sell or supply a mercury fever thermometer to an individual.

As added by P.L.225-2001, SEC.15.

IC 13-20-17.5-4

Mercury in schools

Sec. 4. After July 1, 2003, a public school or nonpublic school may not use or purchase for use in a primary or secondary classroom:

- (1) a mercury commodity;
- (2) mercury compounds; or
- (3) mercury-added instructional equipment and materials;

except measuring devices and thermometers for which no adequate substitute exists for use in laboratories.

As added by P.L.225-2001, SEC.15.

IC 13-20-17.5-5

Restrictions on sale of mercury commodities

Sec. 5. After July 1, 2003, a person may sell or provide a mercury commodity to another person in this state (other than for collection for recycling) only if:

(1) the person selling or providing the mercury commodity provides a material safety data sheet with the mercury commodity; and

(2) the person selling or providing the mercury commodity requires the purchaser or recipient to sign a statement with respect to the mercury in the mercury commodity that the purchaser or recipient:

(A) will use the mercury only:

- (i) for medical purposes;
- (ii) in dental amalgam dispose-caps;
- (iii) for training;
- (iv) for research; or
- (v) for manufacturing purposes;

(B) understands that mercury is toxic;

(C) will store and use the mercury appropriately so that no individual is exposed to the mercury under normal conditions of use; and

(D) will not intentionally:

- (i) place or cause to be placed; or
- (ii) allow anyone under the control of the purchaser or recipient to place or cause to be placed;

the mercury commodity in solid waste for disposal, in a sewage disposal system, or in a wastewater treatment plant.

As added by P.L.225-2001, SEC.15. Amended by P.L.159-2011, SEC.31.

IC 13-20-17.5-6

Public education programs

Sec. 6. (a) The districts shall implement educational programs to provide information to the public concerning:

(1) the reuse and recycling of mercury in:

- (A) mercury commodities; and
- (B) mercury-added products; and

(2) collection programs available to the public for:

- (A) mercury commodities; and
- (B) mercury-added products.

(b) The department, with assistance from districts and other appropriate persons, shall develop and provide districts with a curriculum model that includes educational core principles concerning the reuse, recycling, and collection of mercury. The districts shall implement educational programs that meet the

minimum standards established by the department in the curriculum model.

(c) Units, in cooperation and with the support of the department, may implement educational programs to provide information to the public concerning:

- (1) the reuse and recycling of mercury in:
 - (A) mercury commodities; and
 - (B) mercury-added products; and
- (2) collection programs available to the public for:
 - (A) mercury commodities; and
 - (B) mercury-added products.

As added by P.L.225-2001, SEC.15. Amended by P.L.37-2012, SEC.40.

IC 13-20-17.5-7

Mercury collection programs

Sec. 7. (a) Districts shall implement mercury collection programs for the public and small businesses.

(b) Units may implement mercury collection programs for the public and small businesses.

As added by P.L.225-2001, SEC.15.